

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

MICHAEL J. MORIN,

Defendant.

DECISION AND ORDER
08-CR-296S

1. On October 10, 2008, the Defendant entered into a written plea agreement (Docket No. 5) and pled guilty to a One Count Felony Information (Docket No. 2) charging a violation of Title 15, U.S.C. Section 78j(b).

2. On October 10, 2008, the Honorable Hugh B. Scott, United States Magistrate Judge, filed a Report and Recommendation (Docket No. 7) recommending that Defendant's plea of guilty be accepted and the Defendant adjudicated guilty.

3. On December 5, 2008, this Court remanded this case back to Magistrate Judge Scott for further Rule 11 allocution, to include the waiver of rights to appeal or to collaterally attack the sentence. (Rule 11(b)(1)(N)).

4. On December 30, 2008, Magistrate Judge Scott, filed a supplemental Report and Recommendation (Docket No. 12) again recommending that Defendant's plea of guilty be accepted and the Defendant adjudicated guilty.

3. This Court has not received objections to the Report and Recommendations in accordance with 28 U.S.C. §636(b)(1)(C) and Local Rule 58.2(a)(3).

4. This Court has carefully reviewed *de novo* Judge Scott's October 10, 2008 and December 30, 2008, Report and Recommendations, the plea agreement, transcripts of the proceedings, and the applicable law. Upon due consideration, this Court

finds no legal or factual error in Judge Scott's Report and Recommendations, and will accept Judge Scott's recommendation that Defendant's plea of guilty be accepted and that the Defendant be adjudicated guilty as charged.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's October 10, 2008 Report and Recommendation (Docket No. 7) and his December 30, 2008 supplemental Report and Recommendation (Docket No. 12) in their entirety, including the authorities cited and the reasons given therein.

FURTHER, that the plea of guilty of Defendant Michael Morin is accepted, and he is now adjudged guilty of Title 15, U.S.C. Section 78j(b).

SO ORDERED.

Dated: January 28, 2009
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge